



INTERIOR BOARD OF INDIAN APPEALS

Quechan Indian Tribe v. Phoenix Area Director, Bureau of Indian Affairs

25 IBIA 77 (12/13/1993)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

QUECHAN INDIAN TRIBE,
Appellant

v.

PHOENIX AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal
:
:
:
: Docket No. IBIA 93-132-A
:
:
: December 13, 1993

Appellant Quechan Indian Tribe sought review of an August 3, 1993, letter from the Superintendent, Fort Yuma Agency, Bureau of Indian Affairs (Superintendent; BIA). The letter informed appellant that the Phoenix Area Office, BIA, had withdrawn unobligated carry-over and FY 1993 funds in order to reprogram the funds to cover contract support shortfall, that the withdrawal affected any funds that had not been obligated before July 16, 1993, and that those funds included \$14,000 in Housing Improvement Program funds which had recently been made available to appellant.

In a September 7, 1993, order, the Board noted that although it appeared that this decision was made in the Phoenix Area Office, it was not clear whether the Area Director had been the deciding official. Accordingly, the Board requested clarification from the Area Director as to whether the matter was properly before it. The Board received the Area Director's response on October 4, 1993. Among other things, the Area Director stated:

On September 24, 1993, we were notified that tribal priority allocations and Housing Improvement Program (HIP) were excluded from reprogramming. Only \$500 of HIP funds was reprogrammed leaving \$651,000 balance, which will be redistributed in FY 94. [Appellant] will receive \$14,000 HIP funds from the redistribution of \$561,000 in FY 94.

By order dated October 12, 1993, the Board requested that, in light of the Area Director's statement, appellant inform the Board by November 15, 1993, whether it intended to pursue this appeal. No response has been received.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the August 3, 1993, letter of the Fort Yuma Superintendent is dismissed for lack of prosecution.

//original signed

Kathryn A. Lynn
Chief Administrative Judge

//original signed

Anita Vogt
Administrative Judge